

Sec. 6-36. Control; trapping permits; disposition.

- (a) The health department is authorized to approve permits for the purpose of trapping pigeons as a control and public health measure.
- (b) The board of health shall issue permits for the trapping of pigeons, in accordance with the regulations established by the board of health.
- (c) Trapped pigeons may be used for food, if fit for this purpose. Diseased or injured pigeons shall be delivered to the date humane society for disposition in the manner provided for by law. wherever any Antwerp or homing pigeon wearing a ring or numbered band is found among trapped pigeons, these pigeons may be either immediately released or placed in the care of the state humane society.

(Code 1970, § 6-14)

- (d) The fee for a permit for trapping of pigeons shall be twenty-five dollars (\$25.00) per year.

(Code 1970, § 6-14; Ord. of 4-90, § 1)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Chapter 7 BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Zoning committee, § 2-96 et seq.; board of public works, § 2-166 et seq.; school building committee, § 2-306 et seq.; city building inspector to inspect city-owned buildings annually, § 2-334; fire prevention and protection Ch 8; flood and erosion control, Ch. 9; garbage, trash and refuse, Ch. 11; housing, Ch. 13; planning, Ch. 19; inland wetlands and watercourses, § 19-35; streets, sidewalks and public places, Ch. 21; storing building materials on streets restricted, § 21-16; utilities, Ch. 23.

State law references: State building code applicable to all municipalities, G.S. § 29-253.

Art. I. In General, §§ 7-1--7-25

Art. II. Moving Buildings, §§ 7-26--7-39

Art. III. Antiblright Program, §§ 7-40--7-49

Art. IV. Exterior Aboveground Residential Fuel Oil Tanks, §§ 7-50--7-59

Art. V. Antigraffiti Procedures, §§ 7-60--7-62

ARTICLE I. IN GENERAL

Sec. 7-1. Building permit fees and other regulations--Generally.

- (a) No permit to begin work for new construction alteration, removal, demolition or other building operation shall be issued until the fees prescribed in this chapter shall have been paid to the building official (or other authorized municipal agency), nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

- (b) The fees for building permits shall be thirty-five dollars (\$35.00) for construction, alteration, removal, repair, demolition or other building operations per first one thousand dollars (\$1,000.00) of value or portion thereof, twenty-five dollars (\$25.00) for second one thousand dollars (\$1,000.00) of value or portion thereof and fifteen dollars (\$15.00) for every one thousand dollars (\$1,000.00) or fraction thereof cost in excess of two thousand dollars (\$2,000.00). These fees are to be charged for building permits for new construction or repairs or alterations for all classes of work related to building construction.
- (c) The fee for a certificate of occupancy to be issued pursuant to this Code shall be twenty-five dollars (\$25.00) for construction, alteration, removal, repair, demolition or other building operations per each thousand dollars (\$1,000.00) of value or portion thereof up to two thousand dollars (\$2,000.00) and one dollar (\$1.00) for every one thousand dollars (\$1,000.00) or portion thereof in excess of two thousand dollars (\$2,000.00).
- (d) The fees for final reinspection for construction over five thousand dollars (\$5,000.00) shall be fifty dollars (\$50.00) for each trade inspector called for reinspection. This fee shall apply each time an inspector is called for a final reinspection.

(Code 1970, §§ 7-40.1, 7-40.4; Ord. of 7-71; Ord. of 7-86, §§ 1, 2; Ord. of 6-95; Ord. of 9-98; No. 26849-1, 3-13-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 7-2. Same--Special fees.

The payment of the fee for the new construction, additions, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for zoning permits and certificates, water taps, sewer connections, electrical, plumbing, mechanical and sprinkler system permits, or fees for inspections, or other privileges or requirements both within and without the jurisdiction of the department of licenses, permits and inspection.

(Code 1970, § 7-40.2; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-3. Same--New construction and alterations.

The fee for a building permit shall be based on the volume of the structure, or as otherwise prescribed in the local ordinances, and the building official is authorized to establish by approved rules a schedule of cubic or square foot rates for buildings and structures of all use groups and types of construction as classified and defined in article 2 of the state building code.

(Code 1970, § 7-40.3; Ord. of 7-71)

Sec. 7-4. Fee for demolition.

The permit fee for demolition of a building or structure shall be twenty-five dollars (\$25.00) for every one thousand dollars (\$1,000.00) of the cost of the demolition or any fraction thereof.

(Code 1970, § 7-40.8; Ord. of 7-71; Ord. of 2-5-97; No. 26849-1, 3-13-02)

Sec. 7-5. Reserved.

Editor's note: Item No. 26849-1, an ordinance adopted on March 13, 2002, deleted § 7-5. Former § 7-5 pertained to fees for signs and derived from the Code of 1970 and an ordinance adopted in July of 1971.

Sec. 7-6. Same--Accounting.

The fees collected for services provided by department of licenses, permits and inspection shall be kept in accurate account and such fees collected shall be deposited monthly in the municipal treasury or otherwise disposed of as required by law.

(Code 1970, § 7-40.12; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-7. Refunds of the permits fee.

In the case of a revocation of a permit or abandonment or discontinuance of a building project, the volume of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder; provided, however, that, all penalties that may have been imposed on the permit holder under the requirements of the basic code shall first be collected.

(Code 1970, § 7-40.13; Ord. of 7-71; No. 26849-1, 3-13-02)

Sec. 7-8. Administrative expenses in processing of applications.

The city may withhold for any refund any cost and administrative expense incurred in connection with application to be minimum fifteen dollars (\$15.00) or ten (10) per cent of fee whichever is larger. After a period of six (6) months the city may withhold minimum fifteen dollars (\$15.00) or fifty (50) per cent of the permit fee.

(Code 1970, § 7-40.14; Ord. of 7-71; No. 26849-1, 3-13-02; No. 26986-1, 6-12-02)

Sec. 7-9. Same--Waiver.

Waiver of building permit fees shall be only by result of action by the common council.

(Code 1970, § 7-40.15; Ord. of 7-71)

Sec. 7-10. Same--Proof of cost of construction to be furnished.

When the job is completed, the chief building official may request proof of the total construction cost done under all approved permits, and the owner, agent, or contractor shall furnish an affidavit of the total construction costs to the chief building official. If the final cost exceeds the fee declared in the application for the building permit, certificate of occupancy can not be issued until additional fee has been paid to the department.

(Code 1970, § 7-40.16; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-11. Order to repair or demolish dangerous buildings; effect of failure to comply; enforcement agent.

- (a) The owners of buildings which are unoccupied and as such are considered dangerous, to the public life and safety in the opinion of the building, fire, or health department may be ordered to repair or demolish the same by the chief building official and the owner of any such dangerous building who shall fail to comply with any such notice or order within thirty (30) days of being given a notice or order to repair or demolish such building, or fail to provide adequate security against the hazard of fire, by appropriate means, shall be guilty of a misdemeanor and shall be subject to punishment as provided in article III of this chapter for each and every day such failure to comply continues beyond the date fixed for completion or compliance.
- (b) The chief building official shall be the enforcement agent of this section.

(Code 1970, § 2-79; Ord. 12-72; No. 26986-1, 6-12-02)

Sec. 7-12. Special conditions regarding sidewalks.

- (a) Every building permit for new construction on a lot that is adjacent to an existing sidewalk shall be required to restore and/or replace the sidewalks and curbs, or any portion thereof, which may be defective prior to the commencement of construction or are damaged during the construction, in accordance with the city standards.
- (b) Before a certificate of occupancy can be issued by a chief building official, the department of public works shall submit a report verifying that all sidewalks and curbs have been restored and/or replaced in accordance with the city standards.

(Ord. of 7-86, § 1; No. 26986-1, 6-12-02)

Sec. 7-13. Fines; failure to secure required permit.

Any person who shall commence work for which a permit is required under the provisions of this article prior to making application for or receiving a permit shall be subject to the following fine(s) in addition to the fee for a permit:

Building permit (commercial or residential) . . . \$100.00

Electrical, plumbing, heating or sprinkler permit . . . 50.00

Demolition permit . . . 200.00

(Ord. of 6-7-95; No. 26849-1, 3-13-02)

Sec. 7-14. Fee schedule--Zoning permits.

The City of New Britain Department of Licenses, Permits and Inspections shall charge the nonrefundable fees set out below for certain site plan approvals:

- (a) Site plan approval residential buildings with gross square feet (SF):

Under 1,000 SF . . . \$25.00

1,001--5,000 SF . . . 50.00

5,001--10,000 SF . . . 100.00

Over 10,000 SF . . . 150.00

- (b) Site plan approval all other than residential buildings: new construction, addition or accessory structure:

Up to 5,000 SF . . . \$100.00

For each additional 1,000 SF or portion . . . 5.00

- (c) Site plan approval no structure . . . 50.00

- (d) Change of occupancy . . . 50.00

- (e) Site plan approval telecommunication towers:

For new tower . . . 300.00

Co-location (new antenna) . . . 100.00

Annual inspection . . . 100.00

(No. 26849-1, 3-13-02)

Secs. 7-15--7-25. Reserved.

ARTICLE II. MOVING BUILDINGS

Sec. 7-26. Permit--Required; bond.

- (a) No person shall move any building or structure through a street without having a building permit and a permit issued by the council, and without also filing a bond in form satisfactory to the board of public works.

- (b) No building may be moved through any street other than those designated in the permit.

(Code 1970, § 20-9(a), (d); No. 26986-1, 6-12-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 7-27. Same--Application.

The application for a permit required by section 7-26 shall state the following:

- (1) The name of the owner of the building to be moved;
- (2) The name of the building mover;
- (3) The precise location from which the building is to be removed, the precise location where it is to be finally relocated, and its position with respect to other buildings on the new site;
- (4) The distance from the proposed front line of the building to the line of the street;

- (5) The streets through which it is to be conveyed;
- (6) The time to be taken in moving the building; and
- (7) The nature or type of building materials and the building's dimensions.

(Code 1970, § 20-9(b))

Sec. 7-28. Fees for moving buildings.

- (a) The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be as prescribed in the building code and in the city ordinances.
- (b) Fees shall be as follows: For moving a building less than sixteen (16) feet in height on the same lot fifty dollars (\$50.00); for moving a building over sixteen (16) feet in height on the same lot one hundred dollars (\$100.00); for moving a building in the same street, if moved as a whole, or so as to become an obstacle in such street five hundred dollars (\$500.00).
- (c) The moving of all buildings over sixteen (16) feet in height shall be advertised once in a local newspaper. It shall be moved according to the requirements of the ordinances.

(Code 1970, §§ 7-40.5--7-40.7; Ord. of 7-71; No. 26849-1, 3-13-02; No. 26986-1, 6-12-02)

Sec. 7-29. Same--Public hearing prerequisite to issuance.

Notice of a public hearing shall be given by the common council by being posted on the City of New Britain website and at least once in a daily newspaper of general circulation published in the city five (5) days prior to the final approval of a permit for the relocation of a building to a site beyond the lot in which the building is presently located. Where the initial application for such permit is denied, no notice of public hearing shall be necessary.

(Code 1970, § 20-10; No. 26986-1, 6-12-02; Ord. No. 28482-2, 5-5-05)

Sec. 7-30. Lighting.

If a building being moved through the streets pursuant to a permit required by section 7-26 is to remain in a street at night, it shall be guarded by lighted lanterns in a manner satisfactory to the board of public works.

(Code 1970, § 20-9(c))

Sec. 7-31. Recovery of demolition costs.

- (a) The cost to the city for the removal or demolition of any building under the terms of this article shall be a charge against the property owner or his estate, and may be liened therefor.
- (b) Such costs shall include expenses of soliciting demolition bids, cost of removal, cost of inspections, and all legal and court costs together with interest of monies so expended at the rate of six (6) per cent per annum.

(Code 1970, § 20-9; Ord. of 5-74)

Secs. 7-32--7-39. Reserved.

ARTICLE III. ANTIBLIGHT PROGRAM*

***Editor's note:** An ordinance enacted Oct. 11, 2000, revised Ch. 7, Art. III to read as herein set out. Prior to said amendment, Art. III contained provisions of similar subject matter and was derived from ordinances enacted in June, 1995, and July, 1996.

Cross references: City antigraffiti procedures, § 7-60 et seq.; sale of separate paint can nozzles prohibited, § 14-301; removal of graffiti from public places and property, § 21-235 et seq.

Sec. 7-40. Declaration of policy.

This article is authorized pursuant to Connecticut General Statutes, section 7-148(c)(7)(H)(xv). It is hereby found and declared that there exists within the City of New Britain a large number of real properties which are vacant and in a blighted condition and that the existence of such vacant and blighted properties contributes to the decline of neighborhoods. It is further found that the existence of vacant and blighted properties adversely affects the economic well being of the city and is inimical to the health, safety and welfare of the residents of the city. It is further found that many of the vacant and blighted properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

(Ord. of 11-00)

Sec. 7-41. Creation or maintenance of blighted premises prohibited.

No owner of real property located in the City of New Britain shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted premises.

(Ord. of 11-00)

Sec. 7-42. Definitions.

For the purposes of this article, the following words, terms and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders:

- (a) *Accessory structure* shall mean a structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

- (b) A *blighting condition* shall refer to any of the conditions identified pursuant to subsection (c) below that could contribute to defining a property as blighted premises.
- (c) *Blighted premises* shall mean any building, structure or parcel of land whether vacant or occupied in which the director of licenses, permits and inspections, the fire marshal, the director of health and/or the chief of police have identified at least one violation of building, housing, zoning, fire or health codes that pose a significant risk to health and safety or in which the director of licenses, permits and inspections, the fire marshal, the director of health and/or the chief of police have identified at least fifteen (15) occurrences in a one-year period of any of the following: violations of building, housing, zoning, fire or health codes or any of the conditions identified in subdivisions (1) or (2) of this subsection that do not pose a significant risk to health and safety.
- (1) The following public safety conditions shall constitute blighting conditions:
- a. Any felony or misdemeanor arrest on the premises.
 - b. Any felony or misdemeanor warrant issued or served to a person residing in the premises.
 - c. Any police call to the property arising from complaints by neighbors for noise, loud music or any other disturbances, which complaints have been corroborated by a responding police officer.
- (2) The following building conditions shall constitute blighting conditions:
- a. Doors, windows or other openings into houses, apartment buildings or commercial buildings which are (i) broken or missing, (ii) boarded-up with unpainted wood, metal or other material or (iii) boarded-up, but some or all of the material used to board-up the windows or doors in question have been broken, pried off or apart or otherwise vandalized;
 - b. Collapsing or missing walls, floors or roof;
 - c. Exterior walls which contain holes, breaks, loose or rotting materials, which are not properly surface-coated to prevent deterioration or the paint on which is significantly discolored or faded;
 - d. Foundation walls which contain open cracks and breaks;
 - e. Overhang extensions, including, but not limited to, canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust, tearing, fading or other decay;
 - f. Chimneys and similar appurtenances which are in a state of disrepair;
 - g. Screening which contains tears or ragged edges;
 - h. Vermin infestation;

- i. Garbage, trash or abandoned vehicles on the premises unless the premises is a junkyard licensed by the State of Connecticut;
 - j. Uncut grass, weeds or undergrowth at least one foot in length;
 - k. A fence with missing or rotted boards or with broken or ragged links or other material or which, if made from wood, is not properly surface-coated to prevent deterioration, significant discoloration or fading;
 - l. Bushes or trees allowed to grow anywhere in an area more than one foot laterally and less than seven (7) feet vertically over a walkway, driveway or street;
 - m. Accumulation of stagnant or unsanitary water;
 - n. Dead trees deemed hazardous to the public or to adjacent property;
 - o. Display lights or exterior signs in a broken or disassembled state;
 - p. Exterior paint significantly chipped or faded;
 - q. Clothing left hanging from trees, scrubs or fences in the front yard of any residence;
 - r. Interior furniture left outside, exposed to the elements;
 - s. Accumulations of feces or putrefying substances;
 - t. Vehicles parked on premises unlawfully;
 - u. Graffiti, as defined in section 7-60 of this Code of Ordinances.
- (d) *Building* shall mean a fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or occupied.
- (e) *Building official* shall have the meaning as set forth in Connecticut General Statutes, section 29-260.
- (f) *Dilapidated* shall mean no longer adequate for the purpose or use for which it was intended or having fallen into partial or total ruin or decay.
- (g) *Housing board of appeals* shall mean the housing board of appeals established in section 13-60 of the Code of Ordinances of the City of New Britain.
- (h) *Legal occupancy* shall mean human habitation of a building that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing and all other pertinent codes.
- (i) *Neighborhood* shall mean an area of the city comprising buildings, structures or parcels of land any part of which is within a radius of one thousand (1,000) feet of any part of another building, structure or parcel of land within said city.
- (j) *Owner* shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.

- (k) *Significant risk to health or safety* shall refer to conditions that would likely result in illness, injury or death if allowed to persist.
- (l) *Proximate property* shall mean any building, structure or parcel of land within one thousand (1,000) feet of a blighted premises.
- (m) *Structure* shall mean that which has been or is built or constructed and which is, or should be, fastened, anchored, attached or rests on a building, foundation or on the ground, including, but not limited to, any building, fences, fire escapes, railings, towers, sidewalks or stairways.
- (n) *Vacant* shall mean a period of sixty (60) days or longer during which a building or structure or part thereof is not legally occupied by human beings.
- (o) *Vacant parcel* shall mean a parcel of land with no buildings or structures thereon.
- (p) References to actions taken by the director of licenses, permits and inspections, the fire marshal, the director of health and/or the chief of police shall also apply to similar actions taken by the subordinates or representatives of these officials.

(Ord. of 10-00; Ord. of 1-01)

Sec. 7-43. Enforcement.

- (a) *Complaints.* Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the director of licenses, permits and inspections.
- (b) *Investigation.* The director of licenses, permits and inspections shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the building inspector observes a condition which he/she believes may constitute a violation of a code which falls under the jurisdiction of another city agency or department, he/she shall notify the appropriate agency or department and request that agency or department to conduct an inspection and provide to the director of licenses, permits and inspections a copy of said report together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article.
- (c) *Orders to take corrective action.* The director of licenses, permits and inspections shall track all investigations pursuant to subsection (b) of this section and shall maintain a record of all violations of building, housing, zoning, fire or health codes or any of the conditions in subdivisions (1) or (2) of subsection (c) of section 7-42 identified by any city department. If these records reveal any premises to be blighted premises, as defined in subsection (c) of section 7-42, the director of licenses, permits and inspections shall serve a notice of violation and an order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. If the owner can not be identified or if the address is unknown, copy of such notice shall be published in a newspaper having general circulation in the municipality, as well as being posted on the City of New Britain website. The order shall require the owner to abate and/or correct any condition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within

thirty (30) days after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper. In the case of violations of subdivision (1) of subsection (c) of section 7-42, conditions shall be considered corrected if no further events identified as blighting conditions under subdivision (1) of subsection (c) of section 7-42 occur on the premises in question during any twenty-one (21) consecutive days after the effective date of the order set pursuant to subsection (c) of section 7-43 or subdivision (2) of subsection (f) of section 7-43. A copy of the order may be placed on the land records to serve as notice to any subsequent purchaser of the existence of a violation on the premises.

(d) *Appeal of order:*

- (1) Any person aggrieved by a notice or order of the director of licenses, permits and inspections issued in connection with any alleged violation of this article, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the housing board of appeals for a reconsideration of such notice or order, provided such application is made within twenty (20) calendar days after the date of the receipt of the original notice or order was sent to the owner by certified mail or in-hand service.
- (2) Upon receipt of the petition, the housing board of appeals shall meet within a reasonable time for the hearing of the appeal and shall advise the petitioner in writing of the time and place where the appeal will be heard.

(e) *Factors to be considered by board.* In considering an appeal, the housing board of appeals should consider the following factors:

- (1) Whether there is evidence to support the existence of a condition constituting a violation under this article;
- (2) Whether an extension of time for compliance or a modification of the order is appropriate based upon evidence presented relating to the following:
 - (i) There are practical difficulties or unnecessary hardships in carrying out the strict letter of the notice or order as it applies to the specific case that outweigh the benefits to the occupants and general public.
 - (ii) Such an extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.
 - (iii) The extension will not serve the purpose of transferring responsibility for compliance to another party by, for example, sale or transfer of ownership.
 - (iv) The violations continuing during the period of the extension will not constitute a danger to the health and safety of the neighborhood or general public.

(f) *Action following appeal hearing:*

- (1) After the hearing as provided in subsection (d) of this section 7-43, the director of licenses, permits and inspections shall sustain, modify or withdraw the notice of violation in accordance with the findings of the housing board of appeals as to whether the provisions of this article and any applicable rules or regulations adopted pursuant thereto have been complied with.

- (2) If the housing board of appeals sustains or modifies a notice of violation, it shall be deemed to be an order.
- (g) *Judicial review of decision of board on appeal.* Any person aggrieved by the final decision of the housing board of appeals on a notice of violation of this article may obtain judicial review in any court of competent jurisdiction as provided by the laws of the state by filing that appeal within fifteen (15) days of the final decision of the board. A copy of any petition filed with a court of competent jurisdiction shall be transmitted to the housing board of appeals.
- (Ord. of 10-00; Ord. of 1-01; Ord. No. 28482-2, 5-5-05)

Sec. 7-44. Repairs and other corrective action; recovery of costs.

- (a) Whenever a property owner fails, neglects or refuses to make repairs or take other corrective action specified in the order, or modified order, the city may undertake such repairs or actions, when in its judgment a failure to make them will endanger the public health, safety and welfare; and the cost of such repairs as determined by the chief building inspector will not exceed fifty (50) per cent of the fair market value as determined by the city assessor of the structure to be repaired.
- (b) Notice of the intention to make such repairs or other corrective action shall be served on the owner by certified mail.
- (c) When repairs are made or other corrective action taken by the city, the cost of such repairs and corrective action shall constitute a debt in favor of the City of New Britain against the owner of the repaired structure. In the event the owner fails, neglects or refuses to pay the City of New Britain the amount of the debt within thirty (30) days of receipt of the notice of debt, the city may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover such debt. Any such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.

(Ord. of 10-00)

Sec. 7-45. Procedures for demolition.

- (a) *Determination of need to demolish; order; appeal.* When the chief building official, or any official vested with the jurisdiction to enforce any health or safety code determines, based upon the condition of a building or structure, that the building or structure is beyond repair, that conditions exist which constitute a violation of this article, and that efforts to secure the building or structure so as to abate any condition constituting a violation have failed to abate the violation, such official may condemn the building and ask the chief building official to issue an order that the building or structure be demolished. The order shall be issued in accordance with the procedures set forth in section 7-43 of this article. The owner of such property may appeal such order in accordance with the provisions of section 7-43 of this article.

- (b) *Failure to comply with order to demolish.* Whenever the property owner fails, neglects or refuses to comply with an order to demolish the property, the city may take any or all of the following actions to enforce the order:
- (1) Institute an action in a court of competent jurisdiction for criminal prosecution of the owner for violation of this article seeking an order for payment of fines, for violation of the provisions of this article in an amount not to exceed one hundred dollars (\$100.00) for each day such violation exists;
 - (2) Institute a civil action in a court of competent jurisdiction seeking an injunction for abatement of the violation and/or an order for demolition of the building or structure and/or for recovery of fees imposed for violation of the provisions of this article;
 - (3) When in the judgment of the chief building inspector [director of licenses, permits and inspections], the fire marshal, the director of health or the chief of police, the conditions of the structure constitutes an imminent danger to the public health, safety or welfare of the neighborhood or general public so as to present an emergency situation, the city may undertake the demolition of the building or structure after giving notice to the owner of the property and shall recover the costs incurred in accordance with the provisions for recovery of costs set forth in section 7-44 of this article.

(Ord. of 10-00; No. 26986-1, 6-12-02)

Sec. 7-46. Violations and penalties.

- (a) Each violation of any provision of this article shall be considered a separate offense hereunder and each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.
- (b) When the owner of a property has failed to comply with an order within thirty (30) days after said order became effective, pursuant to subsection (c) of section 7-43 or subdivision (2) of subsection (f) of section 7-43, the director of licenses, permits and inspections shall charge to the property owner a fine for each blighting condition addressed in the order until the property owner complies with the order. The fine shall be one hundred dollars (\$100.00) for each day that each separate blighting condition persist beyond thirty (30) days from the effective date of the order. In the case of violations of subdivision (1) of subsection (c) of section 7-42, conditions shall be considered corrected if no events identified as blighting conditions under subdivision (1) of subsection (c) of section 7-42 occur on the premises in question within a period of twenty-one (21) consecutive days.
- (c) No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.
- (d) The imposition of any fee or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.
- (e) A one percent per day interest charge shall be applied for failure to pay, within forty-five

(45) days, any fine charged for violation of this article. Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the city and shall constitute a lien upon the real estate against which the fee was imposed from the original date of such fee. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens. In addition to placing a lien against the property for failure to pay any fee arising from the enforcement of this article, the city may bring a civil action against the debtor in a court of competent jurisdiction to recover such debt.

- (f) Upon failure to correct any violation of this article by the specified date, the director of licenses, permits and inspections may, in addition to other penalties and actions, bring civil or legal action against the violator, may institute a civil action for injunctive relief to require abatement, [and/or] may initiate enforced abatement, or demolition procedures.

(Ord. of 10-00; Ord. of 1-01)

Sec. 7-47. Conflict of ordinance; effects of partial invalidity.

- (a) In any case where a provision of this article is found to be in conflict with any existing code, ordinance or regulation of the State of Connecticut and the City of New Britain existing on the effective date of this article, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) If any section, subsection, paragraph, sentence, clause or phrase of this article be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall remain in full force and effect. To this end the provisions of this article are by declared to be severable.

(Ord. of 10-00)

Sec. 7-48. Antiblght administrative procedures.

- (a) *Creation of blighted premises committee.* The mayor or his designee shall convene a blighted premises committee consisting of the director of licenses and permits, the fire marshal, a representative of the police department, the director of health, a representative of the office of the corporation counsel, the director of municipal development and any other city staff as deemed appropriate.
- (b) *Responsibilities of the blighted premises committee.* The blighted premises committee shall be responsible for:
 - (1) Creating and maintaining a list of blighted premises within the City of New Britain;
 - (2) Coordinating interdepartmental cooperation and action in inspections of blighted premises and in the enforcement of the provisions of this article;
 - (3) Developing and implementing specific strategies to eliminate blighted premises within the city.

- (c) *Submit annual reports.* The blighted premises committee shall prepare and submit a written report to the mayor annually which report shall include a list of blighted premises within the city and actions planned or taken to eliminate blighted conditions.

(Ord. of 10-00)

Sec. 7-49. Reserved.

ARTICLE IV. EXTERIOR ABOVEGROUND RESIDENTIAL FUEL OIL TANKS

Sec. 7-50. Specifications; maintenance.

All new and replacement exterior aboveground residential fuel oil tanks shall be constructed, installed and maintained in accordance with the Connecticut State Building Code in effect at the time of installation and with the following specifications:

- (a) Tanks shall be constructed and placed on a concrete pad of a minimum of four (4) inches thickness reinforced with wire mesh;
- (b) Tank pads shall be constructed with liquid-tight containment facilities of a size sufficient to contain one hundred (100) per cent of the full capacity of the tank;
- (c) The containment facilities shall be equipped with a valve located at the lowest level of the facility to facilitate drainage of water. All containment facilities shall be drained of water and kept free and clear of debris at all times. Except when a containment facility is being drained, all valves installed to facilitate the drainage of water shall be kept in the closed position at all times.
- (d) All tanks and containment facilities shall be maintained free of all rust and corrosion.

(Ord. of 9-10-97; No. 26986-1, 6-12-02)

Secs. 7-51--7-59. Reserved.

ARTICLE V. ANTIGRAFFITI PROCEDURES*

***Cross references:** City antiblight program, § 7-40 et seq.; sales of separate spray paint nozzles prohibited, § 14-301; removal of graffiti from public places and property, § 21-235 et seq.

Sec. 7-60. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Graffiti* means any marking left by spray paint, ink marker, adhesive material or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which it appears.
- (b) To *remove (graffiti)* means causing graffiti to no longer be visible by painting it over or removing it using solvents, sand blasting, scrubbing or other similar means.
- (c) *Owner* shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.
- (d) *Registered antigraffiti organization* means any volunteer organization certified by the director of licenses, permits and inspections as properly qualified, experienced and suited to engage in graffiti removal.

(Ord. of 1-01)

Sec. 7-61. Graffiti removal.

The owner or person in control of any private property shall maintain the premises, including all structures, trees, fences, etc., free of graffiti. The director of licenses, permits and inspections or the director's representative shall notify the owner of any private property or his agent to properly remove any graffiti that is placed on such owner's property. Such notice may be made verbally or in writing, and, if in writing, shall be by registered mail and addressed to the owner of said property at his or her last known address.

(Ord. of 1-01)

Sec. 7-62. Registered antigraffiti organizations.

- (a) If any registered antigraffiti organization has made an offer to remove graffiti, free of charge, from any property, the owner of which has been notified of the presence of graffiti pursuant to section 7-61, and said property owner refuses to allow the organization to remove the graffiti in question, then the organization may report this refusal to director of licenses, permits and inspections.
- (b) Upon notification of such a refusal, director of licenses, permits and inspections or his/her designee shall verify that the property owner does so refuse. The director of licenses, permits and inspections shall fine said property owner fifty dollars (\$50.00) each week that said property owner maintains his/her refusal unless the property owner otherwise causes the graffiti to be removed. In the event the owner fails, neglects or refuses to pay the City of New Britain the amount of the fine within thirty (30) days of receipt of notice of the fine, the city may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt. Any such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent of the law, except taxes, and may be enforced in the same manner as property tax liens.
- (c) Any property owner may appeal such a fine to the building commission, which shall have the power to exempt the property owner from the fine, reduce the amount of the

fine or delay the fine.

(Ord. of 1-01)

Chapter 8 FIRE PREVENTION AND PROTECTION*

***Cross references:** Buildings and building regulations, Ch. 7; health, Ch. 12; housing, Ch. 13; fire sales, § 14-41 et seq.; motor vehicles and traffic, Ch. 15; alarm systems, § 16-21 et seq.; building fires in public parks restricted, § 17-48; dropping matches, burning cigarettes, etc., within public parks prohibited, § 17-49; streets, sidewalks and public places, Ch. 21.

- Art. I. In General, §§ 8-1--8-13
- Art. II. Fire Commission, §§ 8-14--8-30
- Art. III. Fire Department, §§ 8-31--8-65
 - Div. 1. Generally, §§ 8-31--8-45
 - Div. 2. Duties of Personnel, §§ 8-46--8-65
- Art. IV. Fire Prevention Code, §§ 8-66--8-79
- Art. V. Establishment of Fire Zones, §§ 8-80--8-90
- Art. VI. Red Tags, §§ 8-91--8-100
- Art. VII. Rapid Entry Systems, § 8-101

ARTICLE I. IN GENERAL

Sec. 8-1. Obstructing firemen in performance of duties.

No person shall hinder, obstruct, resist or abuse any member of the fire department while such member is performing his official duties.

(Code 1970, § 15-22)

Sec. 8-2. False statement that fire is extinguished.

No person shall knowingly state that any fire is extinguished when it is not.

(Code 1970, § 15-23)

Sec. 8-3. Unauthorized use of fire fighting equipment.

No person shall take, remove, or use any fire fighting equipment belonging to the city from its accustomed resting place, except fire department personnel in the performance of their required duties.

(Code 1970, § 15-24)

Sec. 8-4. Taking fire apparatus beyond city limits restricted.

No fire fighting apparatus shall be taken beyond the city limits, except for use in case of fire where permission has been granted by the mayor, chairman of the board of fire commissioners or the chief engineer of the fire department.